



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 7**

11201 Renner Boulevard  
Lenexa, Kansas 66219

**AUG 28 2018**

**URGENT LEGAL MATTER**  
**PROMPT REPLY NECESSARY**  
**SENT VIA UNITED PARCEL SERVICE**

AAR Landing Gear, LLC  
Attn: Mr. John M. Holmes, President  
1100 North Wood Dale Road  
Wood Dale, Illinois 60191

Dear Mr. Holmes:

The purpose of this letter is to notify AAR Landing Gear, LLC, or AAR Landing, of its potential liability, as defined by Section 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act, or CERCLA, (commonly known as the Federal Superfund law) that AAR Landing may have incurred with respect to the U.S. Technology Site, located at 7627 Zero Road in Berger, Franklin County, Missouri, or the Site. This letter also notifies AAR Landing of forthcoming removal activities at the Site and requests that it enter into a tolling agreement for response costs for cleanup of the Site.

Hydromex, Inc. was a facility that manufactured concrete blocks. The facility was planning to mix spent blast media, or SBM, with cement to manufacture concrete blocks. SBM, which is generated from aircraft paint stripping operation and maintenance, contains heavy metals including cadmium, chromium and lead. Numerous generators, including AAR Landing, arranged for the disposal of the SBM with US Technology Corporation, or US Tech, which transported the SBM to the Hydromex Site located in Yazoo City, Mississippi. On June 25, 2002, the U.S. Environmental Protection Agency and the Mississippi Department of Environmental Quality, or MDEQ, conducted an inspection of the Hydromex Site after a citizen's complaint. The investigation revealed that Hydromex, Inc., after accepting tons of SBM, stopped producing cement blocks because they did not meet strength requirements. Hydromex, Inc. excavated trenches onsite, filled them with the blocks and SBM and capped them with concrete. On July 23, 2009, US Tech agreed to conduct onsite corrective actions to address the SBM material under a MDEQ order; however, the work has not been completed under the order. Attached is a General Notice Letter from EPA Region 4 further describing the Hydromex Site.

In late 2013, US Tech moved approximately nine (9) million pounds of SBM from the Hydromex Site to the U.S. Technology Site in Berger, Missouri. The SBM waste was transported in supersacks under bills of lading. On September 21, 2016, the EPA Region 7 and US Tech entered into a Consent Agreement and Final Order which required US Tech to perform cleanup of the SBM at the Berger, Missouri site. US Tech failed to comply with the CAFO, and the EPA Region 7 Resource Conservation & Recovery Act program has referred the Site to the EPA Region 7 Assessment Emergency Response & Removal Branch, or AERR, for a removal site evaluation, or RSE. The EPA AERR is responsible for responding to the release, or threat of release, of hazardous substances, pollutants or contaminants into the

environment, that is, for stopping further contamination from occurring, and for cleaning up or otherwise addressing contamination that has already occurred. On May 7-8, 2018, the EPA AERR conducted a RSE in accordance with Title 40 of the Code of Federal Regulations Section 300.410. The EPA RSE documented that such a release has occurred at the U.S. Technology Site located in Berger, Missouri. On July 9-12, 2018, the EPA AERR conducted an inventory of containers to evaluate quantity and gather additional information. In addition, the EPA has spent, and is considering spending, public funds to remove and properly dispose of hazardous substances at the U.S. Technology Site in Berger, Missouri.

### **Explanation of Potential Liability**

Potentially responsible parties, or PRPs, under CERCLA include current and former owners and operators of a site as well as persons who arranged for disposal or treatment of hazardous substances sent to the site, or persons who accepted hazardous substances for transport to a site. Under CERCLA, PRPs may be obligated to implement response actions to protect health, welfare or the environment. PRPs may also be liable for the costs incurred by the United States in responding to any release or threatened release at a site. In addition, PRPs may be required to pay for damages for injury to natural resources or for their destruction or loss, together with the cost of assessing such damages. Where the site conditions present an imminent and substantial endangerment to human health, welfare or the environment, the EPA may also issue an administrative order under CERCLA to require PRPs to undertake cleanup activities.

Based on the information collected, the EPA believes that AAR Landing may be liable, under Section 107(a) of CERCLA, as an arranger for the disposal or treatment of hazardous substances sent to the Site.

### **Planned Site Response Activities**

The EPA plans to take a fund-lead removal action at the Site which may include, but may not be limited to, the following:

- Secure access to the Site, and control access to the Site during removal activities;
- Transport and dispose of any hazardous wastes as defined by CERCLA or exceeding site-specific cleanup goals to an EPA-approved treatment/disposal facility;
- Conduct post-disposal sampling to verify that all hazardous substances have been removed; and
- Develop plans required to perform the above activities.

### **PRP Response**

You should contact the EPA if AAR Landing is interested in entering into a Tolling Agreement for response costs incurred by EPA during implementation of the site response activities described above. If AAR Landing chooses to enter into negotiations with the EPA to enter into a Tolling Agreement, kindly notify the EPA within five (5) days of your receipt of this letter by contacting the EPA attorney assigned to this matter, Kelley Catlin, Assistant Regional Counsel, at (913) 551-7110 or via email to [Catlin.Kelley@epa.gov](mailto:Catlin.Kelley@epa.gov). Ms. Catlin will thereafter arrange for transmittal of a draft proposed Tolling Agreement to AAR Landing and initiate a brief period of formal negotiations.

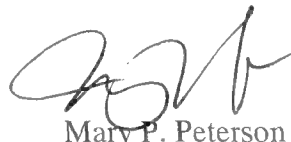
If the EPA does not receive a timely notice of AAR Landing's intent to participate in negotiations of a Tolling Agreement for response costs generated by EPA during implementation for site response activities, the EPA will assume that AAR Landing declines any involvement in funding the response activities.

**Information to Assist You**

The EPA will establish an Administrative Record that contains documents that serve as the basis for the EPA's selection of a cleanup action for the Site. The Administrative Record will be made available at a location near the Site. The Administrative Record will also be available for inspection at the Superfund Records Center, the EPA Region 7, 11201 Renner Boulevard, Lenexa, Kansas.

Please give these matters your immediate attention and consider consulting with an attorney. Any legal questions regarding this letter should be addressed to Ms. Catlin as noted above. For technical questions, please contact Joe Davis, On-Scene Coordinator, at (913) 551-7909. Thank you for your prompt attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'MP Peterson', is positioned above the printed name.

Mary P. Peterson  
Director  
Superfund Division

Attachment: General Notice Letter, Yazoo City Site

cc: Kathy Flippin, MDNR  
Danny Lyskowski, MDNR



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

AUG 14 2018

**URGENT LEGAL MATTER**  
**PROMPT REPLY NECESSARY**  
**SENT VIA UNITED PARCEL SERVICE**

AAR Landing Gear, LLC  
Attn: Mr. John M. Holmes, President  
1100 North Wood Dale Road  
Wood Dale, IL 60191

Dear Mr. Holmes:

The purpose of this letter is to notify AAR Landing Gear, LLC (AAR Landing) of its potential liability, as defined by Section 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), (commonly known as the Federal Superfund law) that AAR Landing may have incurred with respect to the Hydromex Superfund Site, located at 700 S. Industrial Parkway in Yazoo City, Yazoo County, Mississippi (the Site). This letter also notifies AAR Landing of forthcoming removal activities at the Site and requests that it perform or finance such activities.

Hydromex, Inc. was a facility that manufactured concrete blocks. The facility was planning to mix spent blast media (SBM) with cement to manufacture concrete blocks. SBM, which is a waste generated from airplane paint stripping operation and maintenance, contains hazardous substances including cadmium, chromium and lead. Numerous generators, including AAR Landing, arranged for the disposal of the SBM with US Technology Corporation (US Tech) which transported the SBM to the Site. On June 25, 2002, the U.S. Environmental Protection Agency and the Mississippi Department of Environmental Quality (MDEQ) conducted an inspection of the facility after a citizen's complaint. The investigation revealed that Hydromex, Inc., after accepting tons of SBM, stopped producing cement blocks because they did not meet strength requirements. Hydromex, Inc. excavated trenches onsite, filled them with the blocks made with SBM and unused SBM and capped them with concrete.

On July 23, 2009, US Tech agreed to conduct onsite corrective actions to address the SBM material under a MDEQ order; however, the work has not been completed under the order, and the EPA Region 4 Resource Conservation & Recovery Division has referred the Site to the EPA Region 4 Emergency Response, Removal and Prevention Branch (ERRPB) for a removal site evaluation (RSE). The EPA ERRPB is responsible for responding to the release or threat of release of hazardous substances, pollutants or contaminants into the environment, that is, for stopping further contamination from occurring, and for cleaning up or otherwise addressing contamination that has already occurred. On May 3, 2018, the EPA ERRPB conducted a RSE in accordance with Title 40 of the Code of Federal Regulations Section 300.410. The EPA RSE documented that such a release has occurred at the Site. In addition, the EPA has spent, or is considering spending, public funds to investigate and control releases of hazardous substances or potential releases of hazardous substances at the Site.

Internet Address (URL) • <http://www.epa.gov>

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### **Explanation of Potential Liability**

Potentially responsible parties (PRPs) under CERCLA include current and former owners and operators of a site as well as persons who arranged for disposal or treatment of hazardous substances sent to the site, or persons who accepted hazardous substances for transport to a site. Under CERCLA, PRPs may be obligated to implement response actions to protect health, welfare or the environment. PRPs may also be liable for the costs incurred by the United States in responding to any release or threatened release at a site. In addition, PRPs may be required to pay for damages for injury to natural resources or for their destruction or loss, together with the cost of assessing such damages. Where the site conditions present an imminent and substantial endangerment to human health, welfare or the environment, the EPA may also issue an administrative order under CERCLA to require PRPs to commence cleanup activities.

Based on the information collected, the EPA believes that AAR Landing may be liable, under Section 107(a) of CERCLA, as an arranger for the disposal or treatment of hazardous substances sent to the Site property.

### **Planned Site Response Activities**

A removal action at the Site may include but not be limited to the following components:

- Provide for access to the Site, and control access to the Site during removal activities;
- Within 30 days of receipt of this letter, cover and secure the SBM to prevent the material from migrating due to rain, wind or human activity;
- Transport and dispose of any hazardous wastes as defined by CERCLA or exceeding site-specific cleanup goals to an EPA-approved facility;
- Conduct post-disposal sampling to verify that all hazardous substances have been removed;
- Develop plans required to perform the removal activities.

### **PRP Response/Ability to Pay**

You should contact the EPA if AAR Landing is interested in participating in negotiations to perform or finance the above described response actions at this Site, or if it believes it cannot afford to perform or finance the response actions. If AAR landing chooses to enter into negotiations with the EPA regarding its performance of the above-described response action, kindly notify the EPA within five (5) days of your receipt of this letter by contacting the EPA attorney assigned to this matter, Joan Redleaf-Durbin, Associate Regional Counsel, at (404) 562-9544 or via email to Redleaf-Durbin.Joan@epa.gov.

Ms. Redleaf-Durbin will thereafter arrange for transmittal of a draft proposed Administrative Order on Consent to AAR Landing and initiate a brief period of formal negotiations. If AAR Landing believes they cannot afford to perform or finance the response actions, they should contact Ms. Redleaf-Durbin to obtain instructions on making an inability to pay claim.

If the EPA does not receive a timely notice of either AAR Landing's intent to participate in negotiations to perform the response activities, or its intent to make an inability to pay claim, the EPA will assume

that AAR Landing does not wish to perform or otherwise participate in the response actions at the Site, and that they decline any involvement in funding the response activities.

### **Information to Assist You**

The EPA will establish an Administrative Record that contains documents that serve as the basis for the EPA's selection of a cleanup action for the Site. The Administrative Record will be made available at a location near the Site. The Administrative Record will also be available for inspection at the Superfund Records Center, the EPA Region 4, Atlanta Federal Center, 61 Forsyth St. SW, Atlanta, GA.

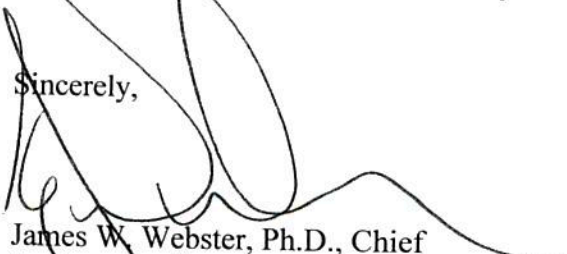
### **Resources and Information for Small Businesses**

As you may be aware, on January 11, 2002, the Superfund Small Business Liability Relief and Brownfields Revitalization Act was signed into law. This Act contains several exemptions and defenses to CERCLA liability, which the EPA suggests that all parties evaluate. You may obtain a copy of the law via the Internet at <http://www.epa.gov/swerosps/bf/sblbra.htm> and review the EPA guidance regarding these exemptions at <http://www.epa.gov/compliance/resources/policies/cleanup/superfund>.

The EPA has created a number of helpful resources for small businesses. The EPA has established the National Compliance Assistance Clearinghouse as well as Compliance Assistance Centers which offer various forms of resources to small businesses. You may inquire about these resources at [www.epa.gov](http://www.epa.gov). In addition, the EPA Small Business Ombudsman may be contacted at [www.epa.gov/sbo](http://www.epa.gov/sbo).

Please give these matters your immediate attention and consider consulting with an attorney. Any legal questions regarding this letter should be addressed to Ms. Redleaf-Durbin as noted above. For technical questions, please contact Steve Spurlin, On-Scene Coordinator, at (731) 394-8996. Thank you for your prompt attention to this matter.

Sincerely,



James W. Webster, Ph.D., Chief  
Emergency Response, Removal and  
Prevention Branch  
Superfund Division

cc: Lynn Chambers  
Groundwater Assessment & Remediation Division, MDEQ